

December 3, 2012

**UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA**

FILED

2012 DEC 11 PM 4:32

Petition for Warrant or Summons for Offender Under Supervision

CLERK OF U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Name of Offender: Francisco Diaz-Chavez (Spanish)

Dkt. No.: 10CR01139-001-H

Reg. No.: 18857-298

Name of Sentencing Judicial Officer: The Honorable Marilyn L. Huff, U.S. District Judge

Original Offense: 31 U.S.C. §§ 5316 and 5332(a), Bulk Cash Smuggling, a Class D felony.

Date of Sentence: July 12, 2010

Sentence: 8 months custody; 3 year(s) supervised release. (*Special Conditions Search; no firearms; if deported not reenter the United States. Supervision waived upon deportation.*)

Type of Supervision: Supervised Release

Date Supervision Commenced: October 29, 2010

Asst. U.S. Atty.: Shireen Becker

Defense Counsel: Michael R. McDonnell
(Retained)
562-694-3827

Prior Violation History: None.

PETITIONING THE COURT

TO ISSUE A NO-BAIL BENCH WARRANT

PROB 12C(d)
(11/96)

Defendant: Francisco Diaz-Chavez
Docket No.: 10CR01139-001-H

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The probation officer believes that the offender has violated the following condition(s) of supervision:

CONDITION(S)

ALLEGATION(S) OF NON-COMPLIANCE

(Mandatory Condition)

Not commit another federal, state, or local crime. *(nv1)*

1. On October 18, 2012, Mr. Diaz-Chavez was in the United States subsequent to deportation, in violation of 8 U.S.C. § 1326, as evidenced by Los Angeles County, California, booking records, Booking No. 3338297.

Grounds for Revocation: As to allegation 1, the U.S. Probation Office received an FBI Flash notice which indicated that, after a comparison of finger prints, Mr. Diaz-Chavez had been arrested on October 18, 2012, by Redondo Beach, California, Police Officers for possession of controlled substance for sale.

Officers at the Redondo Beach Police Department verbally confirmed the arrest. They indicated that a police report was not generated for the offense. However, they provided booking documents from Los Angeles County Jail which confirmed he was booked into custody on the date listed above. Officers at the jail reported the offender had been released to the custody of Immigration and Customs Enforcement (ICE) on October 19, 2012.

An ICE deportation officer confirmed that Mr. Diaz-Chavez had been deported from Calexico, California, to Mexico on November 10, 2010. He could find no record that the offender had applied for or had received permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security, to lawfully enter the United States subsequent to removal. Records also confirmed the offender had been removed to Mexico again on October 19, 2012.

U.S. Probation Officer Recommendation: If found in violation, that supervised release be revoked and the offender be sentenced to 8 months custody, consecutive to any sentence he may be serving, pursuant to USSG §7B1.3(f), p.s.. (An Expanded Violation Worksheet, 12CW(d), has been attached for the Court's review.)

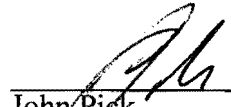
I declare under penalty of perjury that the foregoing is true and correct.

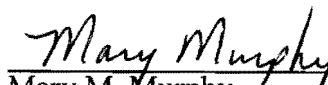
Executed on: December 5, 2012

Respectfully submitted:
DAVID J. SULTZBAUGH
CHIEF PROBATION OFFICER

Reviewed and approved:

by


John Pick
U.S. Probation Officer
619-409-5108


Mary M. Murphy
Supervising U.S. Probation Officer

